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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

ALBERT L. WATSON,

Plaintiff and Appellant,

v.

CHARLOTTE W. WOOLARD,

Defendant and Respondent.

A147367

**(San Francisco County
Super. Ct. No. CGC14542926)**

In 2014, Albert L. Watson filed a complaint in propria persona against San Francisco Superior Court Judge Charlotte W. Woolard, who presided over his family law case from 1998 to 2001. Watson alleged Woolard violated his federal constitutional rights, and erred by removing his children from his custody and ordering him to pay child support.¹ The trial court sustained Woolard’s demurrer to the operative first amended complaint (complaint) without leave to amend, concluding the judicial immunity doctrine and the statute of limitations barred Watson’s claims. The court dismissed the complaint and entered judgment for Woolard.

Watson appeals in propria persona. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On an appeal from an order sustaining a demurrer, we “accept as true the properly pleaded material factual allegations of the complaint, together with facts that may

¹ The operative complaint named other defendants who are not parties to this appeal.

properly be judicially noticed. [Citations.]” (*Crowley v. Katleman* (1994) 8 Cal.4th 666, 672.)

In the late 1990’s, Woolard presided over Watson’s family law case, *Robyn Denise v. Albert Lee Watson*, San Francisco County Superior Court Case No. FL031316. Woolard removed Watson’s children from his custody, ordered him to pay child support, and issued a restraining order against Watson. In 2001, Woolard determined Watson violated the restraining order. Watson was arrested, convicted, and served jail time.

Watson sued Woolard in 2014. As relevant here, the complaint alleged five causes of action against Woolard: (1) abuse of judicial discretion and denial of federal constitutional rights; (2) concealment and fraud; (3) contempt; (4) denial of equal protection; and (5) negligence and failure to discharge a mandatory duty. Watson alleged Woolard erred by issuing an “Emergency Order” requiring him to appear before the family court, and that Woolard ignored a standing family court order and unfairly ordered him to attend mediation, where he “agreed to surrender his children.” The complaint also alleged Woolard failed to “give a sound, reasonable and legal reason, or any reason at all, for punishing [him] by removing his children from his custody.” Watson sought damages, and orders nullifying his child support obligations and expunging “all cases related to this matter.”

Woolard demurred, arguing the judicial immunity doctrine barred the complaint because Watson’s claims arose out of actions she “took in her official capacity as a state court judge” She also argued the claims were barred by the statute of limitations, because they arose out of rulings occurring at least a decade before Watson filed the original complaint. Woolard urged the court to sustain the demurrer without leave to amend and dismiss the complaint. In opposition, Watson conceded the complaint arose out of actions Woolard performed as a family court judge, but argued the complaint was not barred by the statute of limitations.

On the court day preceding the hearing on the demurrer, the court published the following tentative ruling: “Matter to be heard by Judge Lynn O’Malley-Taylor at 9:00 a.m. . . . on November 16, 2015. Judge O’Malley-Taylor issues the following tentative

ruling: Demurrer to [the] . . . complaint is sustained without leave to amend. Plaintiff's claims are based entirely on Judge Woolard's adjudicative acts and are barred by absolute judicial immunity. Plaintiff's claims, which are based on judicial actions between 1998 and 2001, are also barred under California statute of limitations. (See California Code of Civil Procedure §§ 312-366.)" The tentative ruling described the procedure to contest the tentative ruling.

Watson did not contest the tentative ruling and it became the court's final decision. The court dismissed the complaint and entered judgment for Woolard.

DISCUSSION

"The rules by which the sufficiency of a complaint is tested against a general demurrer are well settled." (*Centinela Freeman Emergency Medical Associates v. Health Net of California, Inc.* (2016) 1 Cal.5th 994, 1010.) We examine the complaint de novo to determine whether it ""states facts sufficient to constitute a cause of action. [Citation.] And when [the demurer] is sustained without leave to amend, we decide whether there is a reasonable possibility that the defect can be cured by amendment" [Citations.] ""The burden of proving such reasonable possibility is squarely on the plaintiff."" [Citation.]" (*Ibid.*)

The doctrine of judicial immunity bars the complaint. ""It is well established judges are granted immunity from civil suit in the exercise of their judicial functions. [Citations.] This rule applies even where the judge's acts are alleged to have been done maliciously and corruptly. [Citations.] . . . Judicial immunity is a principle of common law which is necessary for the welfare of the state and the peace and happiness of society. [Citations.]" Judicial immunity from a civil action for monetary damages is absolute. [Citations.]" (*Soliz v. Williams* (1999) 74 Cal.App.4th 577, 585-586.) As Watson conceded in the trial court, the complaint's allegations are based on actions taken by Woolard in her official capacity as a superior court judge. Under a long line of well-established authority, Woolard is immune from liability. (*Id.* at pp. 586-587, citing cases.)

The complaint is also barred by the applicable statutes of limitations. Watson’s causes of action arise out of orders made by Woolard from 1998 to 2001, more than a decade before Watson filed the original complaint in 2014. (See *Kline v. Turner* (2001) 87 Cal.App.4th 1369, 1373 [three-year statute of limitations on cause of action for fraud]; *Thomson v. Canyon* (2011) 198 Cal.App.4th 594, 606 [two-year statute of limitations for professional negligence claim]; *Jackson v. Cedars-Sinai Medical Center* (1990) 220 Cal.App.3d 1315, 1323 [statute of limitations for claims brought under 42 U.S.C. § 1983].) Watson’s contention that the complaint concerns an “ongoing extortion that started in 1998” does not alter our conclusion. (*Aubry v. Tri-City Hospital Dist.* (1992) 2 Cal.4th 962, 967 [court does not assume truth of conclusory allegations].)

We conclude the court did not abuse its discretion in sustaining Woolard’s demurrer without leave to amend. (*Green Valley Landowners Assn. v. City of Vallejo* (2015) 241 Cal.App.4th 425, 443.) Watson does not argue how he “would amend [the] complaint to correct the multiple defects noted above.” (*Id.* at p. 443, fn. omitted.)²

DISPOSITION

The judgment is affirmed. In the interests of justice, the parties are to bear their own costs on appeal. (Cal. Rules of Court, rule 8.278.)

² Watson’s objection to the court’s tentative ruling procedure does not demonstrate the court erred by sustaining Woolard’s demurrer without leave to amend. The tentative ruling was published pursuant to San Francisco County Superior Court Local Rule 8.3, which incorporates the procedure outlined in California Rules of Court, rule 3.1308(a)(1) and provides the tentative ruling will be adopted as the court’s final ruling unless a party provides timely notice of its intention to appear at the scheduled hearing. (Super. Ct. San Francisco County, Local Rules, rule 8.3(A), (D), (E).) Because Watson did not contest the tentative ruling or indicate his intention to appear at the scheduled hearing, the tentative ruling became final without a hearing. (See *Reynolds v. City of Calistoga* (2014) 223 Cal.App.4th 865, 870, fn. 5.) We are not persuaded by Watson’s complaint that he lacked sufficient time to contest the tentative ruling.

Jones, P.J.

We concur:

Simons, J.

Bruiniers, J.